

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

SANTOS GUTIERREZ-FOSELLA,

Defendant.

CASE NO. 2:22-cr-00042-LK

ORDER CONTINUING
SENTENCING

This matter comes before the Court on Defendant Santos Gutierrez-Fosella's Unopposed Motion to Continue Sentencing. Dkt. No. 97. On October 28, 2022, the Court accepted Mr. Gutierrez-Fosella's plea of guilty to the charge contained in Count 3 of the Indictment (in violation of Title 18, United States Code, Section 924(c)) and to the lesser included offense of that charged in Count 1 of the Indictment (in violation of Title 21, United States Code, Section 841(a)(1) and (b)(1)(C) and 846). Dkt. No. 88 at 1. Sentencing is set for January 18, 2023. *Id.* at 2.

Mr. Gutierrez-Fosella asks the Court to continue sentencing to March 29, 2023 because he "faces the imposition of lengthy sentences" and wants the opportunity to visit with his 86-year-old grandmother "as much as possible before he is sentenced and designated to serve his sentences in

1 a federal facility.” Dkt. No. 97 at 2. He notes that the closest federal facility where he could be
2 designated to serve his sentence is in Oregon, which would make it “very unlikely” that his
3 grandmother could travel to visit him, and the next closest federal facilities are in Nevada and
4 California, which would make it “virtually impossible” for her to visit. *Id.* at 2 n.3. And due to her
5 “age and health, it is unlikely that she will be alive when [he] completes serving his time in
6 custody.” *Id.* at 2.

7 Although the Court generally “must impose sentence without unnecessary delay,” it may,
8 for “good cause,” deviate from the time limits prescribed by the Federal Rules of Criminal
9 Procedure. *See* Fed. R. Crim. P. 32(b). Here, Mr. Gutierrez-Fosella has demonstrated good cause
10 for a continuance so his elderly grandmother can visit him before he is designated to serve his
11 sentence out of state. The Court finds that the interests of the public and the defendant in an
12 immediate sentencing in this case are outweighed by the ends of justice.

13 Finding good cause, the Court CONTINUES sentencing to March 29, 2023 at 1:30 p.m.

14 Dated this 16th day of December, 2022.

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16 Lauren King
17 United States District Judge
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